

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Cabinet **Date:** Monday, 13 March 2023

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 8.32 pm

Members Present: Councillors C Whitbread (Chairman), N Bedford (Vice-Chairman), N Avey, L Burrows, S Kane, A Lion, A Patel, J Philip, H Whitbread and K Williamson

Members Present (Virtually): Councillors

Other Councillors: Councillors R Balcombe, R Brookes, H Kane, H Kauffman, C C Pond, Caroline Pond and J M Whitehouse

Other Councillors (Virtual): Councillors

Apologies:

Officers Present: G Blakemore (Chief Executive), A Small (Section 151 Officer), J Gould (Interim Strategic Director), A Hendry (Democratic Services Officer), A Buckley (Higher Level Apprentice (Internal Communications)), T Carne (Corporate Communications Team Manager), N Finney (Interim Implementation Team Manager), D Goodey (Service Manager (Commercial)), N Richardson (Service Director (Planning Services)), B Stalabrass (Environmental Health Team Manager Commercial & Air Quality), M Thompson (Interim Acting Service Director (Technical)), J Warwick (Interim Acting Service Director (Contracts)), P Wharfe (Interim Service Director (Housing Revenue Account)), C Wiggins (Directorate Specialist – Technical Services) and A Ventura (Environmental Officer Air Quality)

Officers Present (Virtually):

91. Webcasting Introduction

The Leader of Council made a short address to remind everyone present that the meeting would be broadcast live to the internet, and would be capable of repeated viewing, which could infringe their human and data protection rights.

92. Declarations of Interest

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

93. Minutes

Decision:

That the minutes of the Cabinet meeting held on 06 February 2023 be taken as read and would be signed by the Leader as a correct record.

94. Reports of Portfolio Holders

The Housing and Community Portfolio Holder clarified her comments about the additional police officers from the last meeting. She confirmed that they now had the full £45k found within departmental savings in addition to the £30k from the Cabinet member; that was within the SLA period.

95. Public Questions and Requests to Address the Cabinet

The Cabinet noted that they had a speaker registered to speak at this meeting, a Mr J Start.

Mr Start made a short statement on the Nort Weald redevelopment proposal. He was a member of several motor clubs that had been using part of the Airfield for the past 20 years for Motor sport activities. He was unsure if this had been brought to the attention of the Council during their consultations. He asked that this be taken into consideration by the Masterplan being considered tonight.

It was noted by officers that the Masterplan area would take in the area currently used by the motorsport clubs so there would have to be discussions with the clubs about this.

96. Overview and Scrutiny

The Chairman of the Overview & Scrutiny Committee reported that they had not had a meeting since the last Cabinet meeting. Their next meeting on 20 April will have the annual report of the Epping Forest Youth Council; she also extended the invitation to attend this meeting to all councillors so that they could see the achievements of the Youth Council.

Also, at this meeting they would be reviewing their draft annual report.

97. Off Street Civil Parking Enforcement Policy

The Internal Resource Portfolio Holder, Councillor Sam Kane introduced the report. He noted that the current Civil Parking Enforcement policy was adopted by Cabinet in 2016 and last updated in 2016. The Civil Parking Enforcement policy was an overarching policy outlining the broad legal framework and approach to parking enforcement in EFDC off-street car parks across the district, to ensure the way enforcement was applied was fair, transparent, and consistent.

Civil Parking Enforcement was subject to strict legislative and statutory guidance and required processes to be put in place to enable transparency and accountability. For the Council to enforce against motorists for contraventions under the Traffic Management Act 2004 and statutory guidance, it was necessary to have a Civil Parking Enforcement Policy which sets the regulatory framework and how Penalty Charge Notices were processed. The Civil Parking Enforcement policy does not

replace or replicate national guidance but rather provides transparency to motorists and those enforcing the guidance.

The updated policy will be made available on the Council's website under the district-wide policies, plans and strategies page. This was to provide transparency to the public on the Council's processes for Civil Parking Enforcement and processing of Penalty Charge Notices, including handling challenges, representations, and appeals.

Following a question, it was noted that Automatic Number Plate Recognition (ANPR) cameras may be used by the council but the rules would have to be checked.

Decision:

The Cabinet adopted the updated Off-street Civil Parking Enforcement Policy and the processing of Penalty Charge Notices for Epping Forest District Council.

Reasons for Proposed Decision

For good governance and to ensure that the Council's Civil Parking Enforcement processes are up to date and promote the updated policy openly, as advised by the Department for Transport (statutory guidance for local authorities in England on civil enforcement of parking contraventions).

Other Options for Action

The do-nothing option would result in no change to the existing policy. Regular policy reviews were important to keep the organisation up to date with industry best practices and therefore the do-nothing option was not recommended.

98. North Weald Airfield Development

The Finance Portfolio Holder introduced the report. It was noted that the North Weald Airfield Master Plan and the proposed development of the eastern side of the aerodrome will dictate a change to how aviation operations are performed due to the requirement to relocate the Control Tower Building (CTB) function, the likelihood of the need for a new entrance and alternative locations for operational buildings such as the Gatehouse and Fire Station.

These changes had therefore presented an opportunity to examine the potential for the Airfield to achieve Civil Aviation Authority (CAA) licensing and to develop aviation further.

The Council had therefore engaged with RPS Group Ltd and their subcontractor, Osprey Consulting Services Ltd, to investigate the likelihood of the aerodrome achieving CAA licensed status and to investigate its future development potential.

Despite not recommending licensing, the report identified some safety obstacles and requirements that should be considered by NWA as being best practice.

The second phase was conducted by RPS who investigated the development options whilst taking into account the conclusions of the Osprey report and the proposed development on the Eastern side of the Airfield.

The key elements being the relocation of the Control Tower Building (CTB) function that maximises the development land on the East of the aerodrome and the creation of an airside / landside boundary that would require operational and cultural changes to the way in which the Airfield is managed.

Decision:

The Cabinet agreed the recommendation that North Weald Airfield remains an unlicensed aerodrome whilst developing the aviation operation by improving facilities, security, safety and attracting new business opportunities through the use of developable land.

Reasons for Proposed Decision:

The reason for the recommendation was to allow the continuation of the aviation operation at North Weald Airfield, to maintain its heritage for future generations, to improve safety, security and to increase income generation potential.

Other Options for Action:

Incur major expenditure in upgrading the Airfield infrastructure and implementing fundamental changes to its business model and apply for a CAA license that would more than likely prove fruitless for various reasons.

Continue with on-going budget restricted improvements to safety and security.

Do nothing and accept the security and safety risks which may have insurance consequences.

99. North Weald Airfield Strategic Masterplan

The Place Portfolio Holder introduced the report. The formal consultation on the draft North Weald Airfield Strategic Masterplan ('the Strategic Masterplan') finished on the 6th February 2022. This was the second stage of public consultation undertaken and concludes the public engagement part of the process to inform the preparation of the Strategic Masterplan.

Since February 2022 the Strategic Masterplan has been subject to extensive review and scrutiny by both the professional team engaged in the drafting of the Strategic Masterplan, and the Council, as Local Planning Authority, to ensure the Strategic Masterplan has incorporated, where necessary and appropriate, the consultation responses. Following this review officers are of the view that the Strategic Masterplan could now be formally endorsed.

It was agreed that the Masterplan would primarily be published electronically as it was a very large document.

It was noted that the employment levels outlined in the masterplan were indicative as to what had been identified currently. Jobs for younger people and local people would be prioritised where possible along with apprenticeships.

Concerns were raised about the number of jobs indicated in the report. They seemed rather high. The council needed to keep control of what type of industry came here, not just warehousing.

Decision:

(1) The Cabinet noted the process undertaken and the outputs from the public consultation on the Draft North Weald Airfield Masterplan undertaken between December 2021 and February 2022.

(2) The Cabinet agreed that the North Weald Airfield Strategic Masterplan be formally endorsed in order for it to be taken into account as an important material consideration in the determination of future planning applications, and to inform pre-application advice, assessing planning and any other development management and implementation related purposes relating to the site.

(3) The Cabinet agreed that the Planning Services Director, in consultation with the Planning Portfolio Holder, be authorised to make minor amendments to the North Weald Airfield Strategic Masterplan, including any mapping and links, prior to publication.

Reasons for Proposed Decision:

The Masterplan had undergone extensive scrutiny and where necessary and appropriate changes had been undertaken in accordance with the masterplanning process set out in the Council's Strategic Masterplanning Briefing Note which was endorsed by the Council's Cabinet in October 2018. This has included a review of the emerging Strategic Masterplan by EFDC's Quality Review Panel (QRP) and following receipt of responses to the first and second stages of public consultation. The Strategic Masterplan was considered to be capable of endorsement as an important material consideration in the determination of any planning applications and would be taken into account as such. It will also be used to inform the provision of pre-application advice and other development related purposes.

Other Options for Action:

To not endorse the North Weald Airfield Strategic Masterplan as an important material consideration in the determination of planning applications. This could result in a delay in delivering new high quality and sustainable employment floorspace in the District.

100. Housing & Property - Asset Works

The Housing and Community Portfolio Holder introduced the report. She noted that EFDC had a 30-year HRA finance business plan which outlines the available annual finances to meet our obligations under the decent home standard and the social housing white paper. However, we did not have an up-to-date housing asset management strategy document that would run alongside the 30-year finance plan which would direct our spending, outline our aims and goals including our approach to achieving Net Zero across our housing stock and informing our approach to disposal and development options.

We would like approval to outsource the production of this report to a third party via competitive tender. Whilst we would have hoped to have produced this report

internally, resource and time constraints mean that outsourcing would produce the document in a timely manner.

Also, at January's 2022 report to Stronger Communities regarding the housing business plan, there were several assets highlighted within section 7 requiring capital works expenditure. One of these assets was The Broadway which in the January 2022 report was estimated as requiring £2.75m worth of planned works.

We now want to bring this project back to the attention of members for two reasons. Significant additional works identified by our independent surveyor suggests that many components to the buildings external envelope are now life expired and require urgent maintenance/replacement. The required budget for these is estimated to be £6m and is available within years 24/25 & 25/26 of the business plan. Firm costs for the proposed scheme would be provided following a competitive tender process under the SEC framework for External Works in the 3rd quarter of 2023.

Local ward members wondered how the estimated £36million cost would affect the leaseholders and the shopkeepers. What provisions were to be made to help them. They were told that they would be consulted, and the results would be brought back through scrutiny to the Cabinet.

Decision:

- (1) The Cabinet approved the commissioning of a third party to write the Housing Asset Management Strategy in line with the 30-year HRA finance business plan, to include a rolling five-year investment plan
- (2) The Cabinet approved the start of consultation with leaseholders and residents of the Broadway's major works project with an estimate cost of £6million.
- (3) The Cabinet approved the co-funding of decarbonisation works to 130 properties should EFDC be successful in securing funding through the Social Housing Decarbonisation Fund (SHDF) Wave 2. It was noted that Cabinet approval was needed to direct award the works to E:On as set out in the Fusion 21 framework. This would come back to the Cabinet when more detail was known.
- (4) The Cabinet agreed that the Interim Strategic Director be the Council's responsible person for Health and Safety in Council Housing.

Reasons for Proposed Decisions:

- (1) The Housing Asset Management Strategy will provide reassurance to the Council that our approach to investment in housing assets maintenance is driving the portfolio in a direction which meets our legal obligations but will also ensure that we are able to meet our Net Zero ambitions, helping drive down energy costs to residents.
- (2) Extensive capital works at the Broadway are essential to protect the asset and reduce future responsive repair expenditure.
- (3) The investment driven by the Social Housing Decarbonisation Fund will:
 - a. Reduce tenant energy bills as properties can retain more heat and become more thermally efficient. Linked to this is the likelihood that residents

are less likely to fall into arrears on their rent as they spend less on energy bills.

b. It is anticipated all Landlords will have to meet a minimum energy efficiency standard of the EPC band C for new private rented tenancies in the next five years.

c. Added value to the assets. Typically, properties EPC rated B and C sell for 5% more than those rated D. Under the deliverables of government backed fund this project must ensure all included properties are improved to a minimum rating of C.

d. Further protection to Assets. By following a fabric first approach and insulating the external envelope of the properties they are less likely to suffer from condensation, damp, and mould.

e. This will enable tenants to live in homes that are much less likely to have damp and mould.

f. By following a fabric first approach it becomes possible to undertake further thermal efficiency upgrades in the future (e.g. green heating systems) with the knowledge that EFDC stock can retain the heat efficiently. This will assist EFDC on its Green plan and the governments wider journey to net zero by 2050.

g. Access to awarded funds via the SHDF will reduce strain on the HRA finances to begin working towards Net Zero.

(4) Nomination of Senior Leader to be the Council's person responsible for Health and Safety in council housing.

The regulations laid by Government on 29th March 2022 require that the council will nominate a senior officer to be the person responsible for compliance with health and safety. That person must be "sufficiently senior to drive a culture of safety throughout the landlord organisation" and will be the public face of compliance for the council and, of course, tenants. By designating the post of Strategic Director to this role the council is ensuring that at the most senior level within the authority there is a post that will bring any compliance concerns to the attention of the Authority.

Other Options for Action:

(1) Writing this document could be kept in house. Whilst this would save some costs, the production of the report would be delayed due to increased workloads because of the changes to housing and compliance regulations.

(2) Many of the items listed for replacement are beyond basic repair. The commercial tenants are and will continue to be impacted by leaks from the above. Delaying other programmed works to reduce cost, such as the window replacement, would not be a cost-effective solution as we can now make use of the scaffolding being in place for the other elements.

(3) By not progressing with the with grant works will put added strain on the HRA finance plan in the coming financial year, which will mean less properties undergo any works. The works will also help inform our approach to future decarbonisation works

(4) As part of the changes and recommendations in regulations, there needs to be single nominated person for health & Safety.

101. Domestic Abuse and Domestic Abuse Workplace Policies

The Housing and Communities Portfolio Holder introduced the report. She noted that as part of the work to achieve Domestic Abuse Housing Alliance (DAHA) Accreditation we have been working across services to develop our Domestic Abuse and Domestic Abuse Workplace Policies. The Council believed that no person should live in fear of violence or abuse. These two policies set out our responses to both individuals and our workforce. They set out how we will provide support tailored to the needs of the individual.

Decision:

The Cabinet noted and agreed The Domestic Abuse and Domestic Abuse Workplace Policies.

Reasons for Proposed Decision:

These two policies were essential in giving guidance to both staff and residents as to how we would endeavour to support those experiencing domestic abuse and evidence our commitment to end violence against women and girls in line with the government's Violence against Women and Girls Strategy. The policies are also integral in our bid for DAHA accreditation. They sit across the whole organisation, with specific procedures outlining how each team will implement these policies in practice.

Other Options for Action:

Not to agree the adoption the policies preventing a robust, consistent and transparent approach to tackling domestic abuse and supporting any members of staff who may be experiencing domestic abuse.

102. Draft Air Quality Action Plan

The Technical Services Portfolio Holder introduced the report. This report provided cabinet members with a final Air Quality Action Plan, which had gone through a four-week public consultation between the 20th of January and 17th of February 2023 and updated according to consultation feedback.

For context, air pollution had major health impacts on human health and any authority who had a declared Air Quality Management Area (AQMA) for pollution exceedances, had a statutory duty to produce an AQAP with a list of measures aimed at addressing the AQMA. Our District currently has one AQMA declared near the B1393/ Theydon Road junction at Epping, Bell Common for nitrogen dioxide (NO₂). Additionally, whilst we currently do not have any AQMA's declared for particulates (PM₁₀ and PM_{2.5}), the Public Health Outcomes Framework (PHOF) indicator that looks at the fraction of mortality attributable to long-term exposure to PM_{2.5} calculates that our District is above the England average.

This AQAP had been developed to not only address our statutory obligations relating to our AQMA, but also improve air quality in our District as well as support the aims of our Climate Change Action Plan and our work around improving air quality for the Epping Forest Special Area of Conservation.

Members asked for exploration of the use of digital Air Quality Monitoring. They also noted the plan had a large number of actions which could be made more specific and measurable and, asked if had these been budgeted for. They were told that although the measures were baseline statutory targets they could be adjusted as needed; and

as for resources they were split across various departments and was already ongoing work. Members also raised concerns about excessive emissions from building activities and would like a comprehensive statement on this.

Decision:

That Cabinet agreed the adoption of the Air Quality Action Plan 2023-2028.

Reasons for Proposed Decision:

The Air Quality Action Plan is required as part of the Council's statutory duty within the Local Air Quality Management framework.

Other Options for Action:

To not endorse the adoption of the Air Quality Action Plan. This would result in a delay in meeting our statutory duties.

103. Procurement of Waste Fleet Vehicles

The Contracts and Commissioning Portfolio Holder introduced the report. Epping Forest District Council (EFDC) did not own the waste vehicles used for the current waste contract, therefore EFDC would be required to procure a new waste fleet to allow the waste management service to maintain and appropriately manage its statutory duties around domestic and commercial waste collections for the new waste contract starting November 2024.

Not owning the fleet means the EFDC had no control over the maintenance and scheduling of maintenance of the waste vehicles. This had led to the current issue of large volume of missed collections due to vehicle breakdowns. EFDC will have more control and business continuity in the future which would reduce future risks to the contract if EFDC owned the fleet.

There was currently a long lead in time to procure waste vehicles, which could be as much as 15 months once the vehicles had been ordered. The new waste vehicles must be ready for the new waste contract in November 2024.

Asked how long the vehicles would last members were told 7 to 8 years. Officers were still exploring the options on leasing and/or purchasing and the possibility of having low emission or electric vehicles. The meeting also noted that the new software would be compatible with systems already in place.

Decision:

(1) The Cabinet agreed to proceed with the procurement of Waste Fleet Vehicles subject to the approval of a provision of £9.22 million within the Capital Programme for 2023/24 and associated revenue costs; and

(2) The Cabinet agreed to procure the vehicles through The Procurement Partnership Framework.

Reasons for Proposed Decision:

To ensure EFDC can maintain and appropriately manage its statutory duties around domestic and commercial waste collections.

Other Options for Action:

Lease the vehicles but would be more costly and would still need to start the process as soon as possible to order make sure the vehicles are in place in time for the new contract.

Leasing the vehicles also means that EFDC will not own the fleet as an asset.

104. Quarterly Monitoring Report - Q1 (year 4) 2022/23

The Finance Portfolio Holder, Councillor Philip introduced the Qualis quarter 1 (year 4) monitoring report, noting that there was no significant change from the end of their last year.

This report presented the first Quarter's monitoring report for the 4th Qualis trading year 2022/23 and covers the period from 30 September 2022 to 31 December 2023.

Performance was measured against the business plan targets for 2022/23 contained within the Qualis 1 year Business Plan. Qualis had changed the style of their Board report highlighting financial performance issues within each section.

The unexpected and significant shift in economic factors occurring over the past 12 months continues to have a huge impact on the finances of the Council and this is also replicated on the plans of Qualis. Not all elements of the Qualis business model were impacted to the same extent. The trading companies of Qualis Group and Qualis Management were meeting or exceeding expectations, whilst the development and commercial arms continue to suffer as a result of current economic conditions. The greatest impacts were due to their dependency on borrowing, construction cost inflation, planning and movement in housing prices. These were addressed in the single year Business Plan recently presented to the Council, covering the period 1st October 2022 to 30th September 2023, but due to the still evolving operating environment Qualis were revisiting the budget forecasts for presentation to the Council for Q2 reporting.

Decision:

The Cabinet discussed the report and agreed any actions required.

105. Construction of the new Epping Leisure Centre

The Contracts and Commissioning Portfolio Holder introduced the report. The meeting noted that in January 2021, Cabinet agreed the Capital Programme proposal for the new Epping Leisure Centre at Bakers Lane and the delivery of the new Epping Leisure Centre by the Council's incumbent contractor, Places Leisure. The new Epping Leisure Centre was to be delivered under the current Design, Build, Operate and Maintain (DBOM) contractual arrangement for Places Leisure to build the centre and operate it.

The new Epping Leisure Centre was to replace the existing Epping Sports Centre that has reached the end of its operational life and is expensive to operate and maintain.

Asked if there had been provisions made for costs for late completion, officers said that this was to be a fixed price contract. The provisional time scale for the completion of this project was to be around 2025.

Asked about the ground source heat pumps, the budget savings indicated and what was the governance for this project, officers responded that they would be developing alternative proposals for air source heat pumps to generate significant savings. As for savings, areas had been identified by the contractor. These were to be bottomed out during contract negotiations. As for governance, EFDC will project manage and Places Leisure will have a direct relationship with the contractor. Essentially the same governance arrangements as the Waltham Abbey leisure centre, although Qualis would also be involved due to highways works and the car parks.

The Leader thanked Mr Warwick and his team and the finance team for putting this project together.

Decision:

- 1) The Cabinet agreed to the delivery of the new Epping Leisure Centre project and inclusion of the additional capital investment of £8.1 million within the Cabinet's Budget and Medium-Term Financial plans; and
- 2) The Cabinet agreed that Places Leisure appoint Pellikaan Construction Ltd to construct Epping Leisure Centre.

Reasons for Proposed Decision:

The construction of a new, modern leisure centre in Epping will work towards achieving the aim of the corporate Health & Wellbeing strategy, which is that Epping Forest District residents across all demographics can lead healthy and fulfilling lives.

The strategic need for a new leisure centre has been documented in the current DBOM contract as the existing Epping Sports Centre has reached the end of its building life and is inefficient to operate. A new leisure centre will be more energy efficient and support the Council's aim to become carbon neutral by 2030.

Other Options for Action:

Delaying the project or any changes to the agreed project delivery will adversely impact the regeneration of the Epping sites under progress and any changes will require further consultation and formal agreement with Qualis Ltd.

Furthermore, existing Epping Sports Centre has reached the end of its designed life and will require significant investment to keep the sports centre operational. If the project cost is not viable, then it could be cancelled, and this would result in abortive costs incurred for the professional fees and surveys paid to date. Therefore, any delay or change in the agreed project delivery is not recommended.

Decision:

That, in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the items of business set out below as they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12(A) of the Act indicated, and the exemption was considered to outweigh the potential public interest in disclosing the information:

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Agenda Item No	Subject	Exempt Information Paragraph Number
18	Commercial Asset Disposal	3

107. Commercial Asset Disposal

The Finance Portfolio Holder introduced the report. The Council had received an approach from a third party who wished to purchase part of the allocated site for uses that were in line with the Masterplan and fall within a B8 planning use (storage & distribution).

The proposed use would be consistent with the Local Plan and its aspiration to create commercial and employment opportunities. On completion of the sale a significant early contribution would provide for training and innovation directly benefitting the local community.

The sale would be unconditional and was not dependant on the third-party gaining planning consent.

Decision:

The Cabinet agreed to sell part of one of the Council's commercial assets, identified within the Local Plan & Masterplan and allocated for employment uses, to a third party for a consideration, providing that the consideration is in excess of two independently commissioned Red Book valuations in order to comply with the requirements of S123 of the Local Government Act 1972.

Reasons for Proposed Decision:

The sale of the land is consistent with the Local Plan and its aspiration to create further commercial and employment opportunities within the District.

By obtaining two independent Red Book valuations the Council would ensure that it has achieved the Best Consideration for the site.

As freehold owner, an Epping Forest District Council decision was required to agree to the sale in order to conclude due diligence and secure legal completion.

Other Options for Action:

To go out to the open market. This process would be time consuming and may well not produce a single unconditional offer of this scale for the site.

108. Any Other Business

It was noted that there was no other urgent business for consideration by the Cabinet.

CHAIRMAN